



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: June 27, 2013
Time: 9:45 am
Location: Pender Island Community Hall
4418 Bedwell Harbour Road
North Pender Island, BC

	Pages
1. Call to Order	
2. Approval of Agenda	9:45 AM - 9:50 AM
2.1. Additions/Deletions	
2.2. Questions from the public on Agenda Items	
3. Community Information Meeting - none	
4. Public Hearing - none	
5. Previous Meetings	9:50 AM - 9:55 AM
5.1. Local Trust Committee Minutes	
5.1.1. North Pender Island Local Trust Committee Business Meeting Minutes of May 30, 2013 (attached)	3 - 10
5.2. Public Hearing Records and Community Information Meeting Notes to be Received - none	
5.3. Section 26 Resolutions-without-meeting - none	
5.4. Advisory Planning Commission/Task Force to be received - none	
6. Business Arising from the Minutes	9:55 AM - 10:00 AM
6.1. Follow-up Action List (attached)	11 - 12
7. Delegations - none	
8. Correspondence (attached)	10:00 AM - 10:10 AM

[correspondence received concerning applications and/or projects is considered with the application/project]

8.1.	Amanda Griesbach Letter re STVRs	13 - 13
9.	Applications, Permits, Bylaws and Referrals	10:10 AM - 10:40 AM
9.1.	NP-DVP-2013.1 (Proctor c/o Phol) (attached)	14 - 30
10.	Local Trust Committee Projects	10:40 AM - 11:00 AM
10.1.	Conservation Subdivision Review (attached)	31 - 35
11.	Reports	11:00 AM - 11:30 AM
11.1.	Work Program Report - June 2013 (attached)	36 - 38
11.2.	Applications Report - June 2013 (attached)	39 - 44
11.3.	Bylaw Enforcement - none	
11.4.	Expense/Budget Reports (attached)	45 - 45
11.5.	Adopted Policies and Standing Resolutions (attached)	46 - 46
11.6.	North Pender LTC Web Page - for discussion	
11.7.	Chair's Report	
11.8.	Trustee Report	
12.	Other Business	11:30 AM - 12:15 PM
12.1.	Upcoming Meetings	
12.1.1.	Next Business Meeting - Thursday, August 29, 2013 at 9:45 am, at the Pender Island Community Hall, 4418 Bedwell Harbour Road, North Pender Island	
12.2.	Linda Adams, CAO - Briefing Note re: Trustees Acting as Llaisons to Other Community Groups (attached)	47 - 49
12.3.	Proactive Bylaw Enforcement of Illegal Structures on the Foreshore	50 - 56
13.	Town Hall Meeting	12:15 PM - 12:30 PM
14.	Adjournment	12:30 PM - 12:30 PM

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, MAY 30, 2013, AT 9:45 AM
PENDER COMMUNITY HALL (LOUNGE),
4418 BEDWELL HARBOUR ROAD,
NORTH PENDER ISLAND, B.C.**

PRESENT:	Peter Luckham	Chair
	Gary Steeves	Local Trustee
	Ken Hancock	Local Trustee
	Andrea Pickard	Island Planner
	Robert Kojima	Regional Planning Manager
	Geoff Kinnear	Bylaw Enforcement Officer
	Zorah Staar	Recording Secretary

REGRETS: None

There were six (6) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:48 am.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was amended as follows:

- by moving the In Camera session (item 14.) to the next item of the meeting, so that Bylaw Enforcement Officer Kinnear could leave to work on files;
- by adding a supplemental email to existing Correspondence item 8.2; and
- by adding a new item 12.2 for a BC Hydro Report.

The amended agenda was adopted by consensus.

2.2 Questions from Public on Agenda Items

None

14. MOTION TO CLOSE MEETING

Resolution NP-LTC-50-13

It was Moved and Seconded, pursuant to Section 90(1)(f) and (g) of the Community Charter, that the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of considering adopting Minutes of the February 28, 2013 In Camera Meeting; and to consider Bylaw Enforcement Litigation; and further that Islands Trust Staff and Recording Secretary Zorah Staar remain present.

CARRIED

Note: See separate In Camera Meeting Minutes of the same date.

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting

Resolution NP-LTC-54-13

It was Moved and Seconded that the North Pender Island Local Trust Committee re-open the meeting to the public.

CARRIED

It was reported that during the closed portion of the meeting, the Local Trust Committee had adopted previous February 28, 2013, In Camera minutes. In addition, Bylaw Enforcement Officer Kinnear had now left the meeting.

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for adoption

5.1.1 Minutes of April 25, 2013 Local Trust Committee Business Meeting

The April 25, 2013, Local Trust Committee Business Meeting minutes were adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission/Task Force Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard reviewed the available Follow-up Action Report, noting that item 1, was going to be removed for inactivity.

Re: item 12 (Shoreline Project), Regional Planning Manager (RPM) Kojima distributed copies of the completed "Saving Our Shorelines" booklet, and described the work in progress.

Re: item 17 (Mining), Trustee Steeves noted that the requested form was not required by the Chief Gold Commissioner, and that we were now awaiting further news.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 April 30, 2013 Chamber of Commerce Letter re: STVR's

Trustee Steeves distributed a letter that he had drafted in response to the April 30, 2013, Chamber of Commerce letter re: short term vacation rentals. Steeves also commented some members of the Chamber of Commerce were asking for what already existed, which was a permitting process to allow STVR's; this could be done by application for a Temporary Use Permit, which was the proper public forum for the Local Trust Committee to consider approving STVR's; and the Chamber of Commerce could also seek time on the Local Trust Committee agenda as a Delegation.

Resolution NP-LTC-55-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to prepare the letter submitted by Trustee Steeves for the signature of the Local Trust Committee Chair, and send the letter to the Pender Island Chamber of Commerce, and also send copies to the Minister of Community, Sport & Cultural Development and MLA Gary Holman.

CARRIED

Trustee Hancock thanked Janet Laurencelle, of the Chamber of Commerce, for attending today and noted that on the topic of roadside signage, the Local Trustee Committee had proposed to the Chamber a joint project to legalize aggregate directional signage, for key Pender locations. Otherwise, the Ministry of Transportation & Infrastructure could at any time choose to remove all of the illegal sandwich boards and other signage which were currently creating safety and esthetic issues along Pender roadways.

8.2 May 15, 2013 Letter from Pender Community Transition

Note: The May 15, 2013 letter and a May 29 email were sent by Recorder Zorah Staar, in her role as Coordinator of the non-profit Pender Community Transition Society (PCT). Therefore, Planner Pickard recorded minutes as required.

Zorah Staar noted that PCT's upcoming year of activities were now likely to focus on creating a local and inter-island community hub, to support greater sustainability (e.g. on issues like energy), and also community resilience.

Trustee Hancock noted that he also supported PCT pursuing the proposed Resilient Neighbourhoods Program, if possible, and that PCT activities were of relevance to Local Trust Committee land use planning projects related to item 1. of the Work Program - Climate Change Adaptation and Community Resilience.

Resolution NP-LTC-56-13

It was Moved and Seconded that the North Pender Island Local Trust Committee purchase a series of reports from the Pender Community Transition Society regarding their activities in relation to climate change adaptation and community resilience, in an amount not to exceed \$400.00.

CARRIED

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 Mayne Island Local Trust Committee Bylaw No. 158

The Mayne Local Trust Committee referred Bylaw 158 to the North Pender Island Local Trust Committee for their response.

Resolution NP-LTC-57-13

It was Moved and Seconded that the North Pender Island Local Trust Committee finds that their interests are unaffected by Mayne Island Local Trust Committee Bylaw No. 158.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Conservation Subdivision Review

Planner Pickard reviewed the Staff Report dated May 22, 2013, commenting that as requested by the Local Trust Committee, this report presented a draft scope and timeline for the Conservation Subdivision Review project; the proposed goal was “To encourage property owners to apply a conservation approach for the design and layout of future subdivisions to minimize adverse impacts from development”; Staff proposed 8 key steps, including identifying features to be addressed (e.g. sensitive ecosystems, watercourses, steep slopes, etc.), community engagement, policy and regulatory options for a conservation approach, engaging stakeholders, bylaws to implement changes, etc.

Trustee Hancock was supportive, and also suggested incorporating sustainable resource management, First Nations archaeological values, and connecting community, as features to be addressed with conservation subdivision planning where possible. Regarding the engagement process for the project, he suggested First Nations stakeholder engagement (re: specific sites and the workshop process), and also a 2-step workshop process (i.e. an initial workshop re: concept/theory, then a more interactive charette-type second workshop).

Trustee Steeves supported new community engagement processes, and said that we needed to go to where people were (e.g. property owner associations), and involve them in positive discussions about ways to subdivide while “keeping nature natural”. Steeves also suggested getting to the bylaw stage before April.

Resolution NP-LTC-58-13

It was Moved and Seconded that the North Pender Island Local Trust Committee agrees to the project scope and timeline for a Conservation Subdivision Review project as presented in the Staff Report dated May 22, 2013, and further directs Staff to prepare a draft project charter based on the discussion for the committee to consider.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

RPM Kojima said that he would now fill in the Activity section for Top Priority 2. of the Work Program (Conservation Subdivision Review), as per the steps approved at 10.1 above.

11.2 Applications Report

11.2.1 North Pender Island Applications Report

Planner Pickard reviewed the Applications Report, and said that there was a potential application expected for rezoning to support new Seniors Housing, beside the Driftwood.

Trustee Hancock asked the Planner to make these applicants aware of the needs assessment required for this.

Regarding the Edgewood Estates application, Trustee Steeves noted the foresight of RPM Kojima in previously establishing parameters.

11.3 Bylaw Enforcement Report

Bylaw Enforcement Officer Geoff Kinnear, had prepared a Briefing on the Effectiveness of Bylaw Violation Notices in Enforcement. The notices were appearing to be a useful tool for minor violations (as expected).

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses Report

For information

11.4.2 Local Trust Committee Budget 2012/2013

For information

11.5 Adopted Policies and Standing Resolutions Report

For information

11.6 North Pender LTC Web Page

The new Islands Trust website was to be launched on June 4. Routine updates to the web page were discussed, and motions were passed (see also page 8).

Resolution NP-LTC-59-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to revise the Local Trust Committee webpage, by posting the short term vacation rental letter to the Chamber of Commerce under the latest news, and adding the Pender Post mining claims update.

CARRIED

11.7 Chair's Report

Chair Luckham said that the Executive Committee was preparing for the June Trust Council Meeting on Mayne Island, and that Kinder Morgan was going to do a presentation there about carbon neutrality and the carbon marketplace.

11.8 Trustee Reports

Trustee Steeves commented that after the Pender visit of BC Lieutenant Governor Judith Guichon, he had received a lovely letter of thanks (which he read out); and that he had been busy dealing with the mining issue, the short term vacation rental issue, bylaw enforcement, and other matters.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Local Trust Committee Business Meeting

The next Local Trust Committee Business Meeting was scheduled for Thursday, June 27, 2013, at 9:45 am, Community Hall Lounge.

12.2 BC Hydro Report

Trustee Hancock reported that as requested by Port Washington residents, he had contacted BC Hydro staff (Mabel Lai, of Community Engagement); he had expressed the Local Trust Committee's willingness to assist with consultation regarding the new submarine cable; and that BC Hydro had said they could keep us up to date on this.

13. TOWN HALL MEETING

Sara Steil commented the "Saving Our Shores" booklet was excellent; that the Pender Island Conservancy was having another related event on June 23rd at 1 - 3 pm, Medicine Beach, "Near-Shore Marine Life: Whelks to Whales"; a local air charter was cutting corners in their required flight patterns and annoying residents; and that Steil wondered if sensitive watersheds were included as a feature to be addressed by the Conservation Subdivision Review Project.

Trustee Hancock responded that watersheds were included in the project, and that we'd also be talking about sensitive shorelines.

Gerry Roy supported the proposed seniors' housing project beside the Driftwood Centre, and he hoped that the Trustees were not opposed to it. Roy believed that there were a lot of isolated seniors, based on his wife's work with Meals on Wheels.

Trustees Hancock and Steeves both said that the seniors proposal could be a fine idea, but the proponents needed to make sure that they provided an adequate needs assessment in order to answer community questions and convince people that what was proposed would meet Pender needs, with flexibility into the future. Interested community members were invited to get involved.

Resolution NP-LTC-59-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to revise the Local Trust Committee webpage, by also posting the letter of thanks from Lieutenant Governor Judith Guichon, under latest news.

CARRIED

14. ADJOURNMENT

The meeting was adjourned by consensus at approximately 12:56 pm.

RECORDER

CHAIR



Islands Trust

Follow Up Action Report w/ Target Date

North Pender Island Jul-28-2011

No.	Activity	Responsibility	Target Date	Status
1	Item NP-DP-2010.4 (TWA): cross ref to NP-SUB-2008.5 - staff to: <ul style="list-style-type: none"> • when completed, provide supporting documents on the subdivision requirement to the LTC including the registered covenants • work with applicant to consolidate the existing covenants into one • discuss with applicant amending the terms of the consolidated covenant to: change the buffer areas from 'trees' to 'trees and native vegetation'; add a no buildings or structures within the DPAs clause; exempt danger trees; and add a penalty clause • report back regarding the PIPRC trail when completed • forward responses from the AO and Dam Safety Officer re: the Ryzuk Drainage report when received 	Andrea Pickard	Sep-22-2011	On Going

Nov-29-2012

No.	Activity	Responsibility	Target Date	Status
2	Item 11.6: Trustee Hancock will undertake updating 'Buying Property on North Pender...' brochure for spring 2013	Ken Hancock	Jan-31-2013	On Going

Apr-25-2013

No.	Activity	Responsibility	Target Date	Status
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3	Item 12.5 Mining: staff to submit the applicable form to the Chief Gold Commissioner requesting a reservation from mineral claims for the NPI Local Trust Area immediately after the May elections and appointment of Ministers - follow up discussion at next LTC meeting	Andrea Pickard	May-30-2013	On Going
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May-30-2013

No.	Activity	Responsibility	Target Date	Status
4	Item 5.1.1 Minutes of Apr 25: adopt as drafted	Sharon Lloyd-deRosario	Jun-27-2013	Done
5	Item 8.1 Correspondence: staff prepare for the Chair's signature the letter drafted by Trustee Steeves responding to the Chamber of Commerce correspondence and copy Ministry of C,S, and CD and the MLA	Andrea Pickard	Jun-27-2013	Done
6	Item 8.2 Correspondence: the LTC allocates up to \$400 for the purchase of a series of reports from Pender Community Transition regarding climate change adaptation and community resilience	Nancy Roggers	Jun-27-2013	On Going
7	Item 9.1 Mayne Island Referral: staff to respond that the NPILTC interests are unaffected by Bylaw 158	Kathy Jones	Jun-27-2013	Done
8	Item 10.1 Conservation Subdivision Review: staff to prepare a draft project charter based on the staff report and LTC discussion	Andrea Pickard	Jun-27-2013	Done
9	Item 11.6 Webpage: post the LTC letter to the Chamber once completed (Item 8.1) and add the recent LTC notice on Mineral Claims	Kathy Jones	Jun-27-2013	Done
10	Item 14: In-camera: adopt the Feb 28th minutes as drafted	Sharon Lloyd-deRosario	Jun-27-2013	Done

Renting on the island is not just for tourists!

As a long-term resident of Pender Island for over 11 years and as a renter, I applaud the trustees of North Pender Island for standing strong against the wishes of some North Pender residents to change the bylaws about short-term vacation rentals. Local islanders who rent do not have many affordable options, and with the STVR bylaw in place, there are more houses for rent for people who live here full-time.

In May, there were over 10 houses listed for rent with one real estate business on the island. By the end of the month, these houses were all rented out to people coming to the island to work at summer jobs. One person I know, a professional who works at home and volunteers in the community, had to move four times in a year and a half. No, not because she is a bad tenant. The only houses she could find to rent were for sale, and they sold, and she had to move. She did receive two months free rent as stipulated in the BC's tenancy laws, and this does help to off-set the cost of moving, but it doesn't help her have a stable home from which to live and work.

We have also had to move recently for the same reason – the house will be up for sale soon – even though we had a verbal agreement to stay for two years. Yes, I work and volunteer on the island, too. Although we would prefer a long-term rental, we only have our new place for two years. I don't even want to think about moving yet again in two years time, and to where ... another house for only two more years?

Add to the stress of moving, cleaning filthy windows and painting walls that had seen too many tenants and too many years. Yes, landlords are supposed to paint walls every four years or so, but how to get them to do this? Shall I mention the broken window that hasn't been fixed for the last three tenants, and when I asked that it be fixed, was told it was "just an eye-sore" and didn't need fixing, even though it is a double-glaze window? When I was pointing this out to a friend, I cut my finger on this window that doesn't "need" replacing.

So, when I see a petition from the Chamber of Commerce about doing away with the STVR bylaw, I get frustrated. I don't want to see Pender Island turn into another Whistler, where workers have to live in another community. BC has the most unaffordable rental housing in the country, and one third of all houses in BC are rented out. I don't have the stats for Pender Island, but I do know that there are many people who live and work on the island who rent. I support the recent initiative for affordable housing for seniors living here. Also, I would like to see more affordable, clean and decent houses for the long-term renters on North Pender Island.

Amanda Griesbach, renter and island resident



STAFF REPORT

June 19, 2013

File No.: NP-DVP-2013.1
(Proctor c/o Pohl)

To: North Pender Island Local Trust Committee
For the meeting of June 27, 2013

From: Kim Farris, Planner 1

CC: Robert Kojima, Regional Planning Manager
Andrea Pickard, Island Planner

Re: Development Variance Permit

Owner: HBH Island Holdings Inc. (Roger Proctor)
Applicant: Eric Pohl c/o Island Legacy Construction
Location: Lot 11, Section 11, Cowichan District, Plan 21047
1109 Stanley Point Drive

THE PROPOSAL:

The purpose of the application is to vary the North Pender Island Land Use Bylaw No. 103, 1996 (LUB) regulations for the height of an accessory building and for a reduced setback to the sea.

The property currently has an existing accessory building that is non-conforming for both height and has a second storey. The owner would like to renovate the structure on the existing footprint but alter the roofline from the current barn style roof to a single sloped shed style roof. The proposed renovations would increase the height from 5.2 metres (17 feet) to 6.4 metres (21 feet), however due to some potential discrepancy that may result from improvements to the perimeter foundation/curb for moisture control, the draft permit was prepared with a maximum of 6.7 metres (22 feet). The current regulations in subsection 3.4.4 of the LUB restrict accessory buildings to 4.6 m in height and one storey therefore a variance is required to increase the height of the accessory building and to permit the second storey. For the purpose of this report this building will be referred to as Building A.

After submitting the application it was noted that a second smaller accessory building is sited 8.3 metres from the natural boundary of the sea. Subsection 3.7.1 of the LUB requires a setback of 15 metres from the natural boundary of the sea; subsequently a variance is required to reduce the setback from the sea to 8.3 metres to legalize the siting of the accessory building. For the purpose of this report this building will be referred to as Building B.

Building A

Building A is a 60 m² (648 ft²) structure that consists of three separate shop/studio rooms with loft areas above and an open carport in the centre. There are no building records to confirm the

original date of construction. Building records indicate the single family dwelling was constructed circa 1969, prior to the CRD bylaws. The proposed increase in height would require a variance regardless if the building was demonstrated to be legal non-conforming. The siting of the building complies with the current regulations.

The proposal is to maintain the existing footprint but change the roofline to improve the functionality of the upper level and enclose the open carport area. The upper area would consist of two rooms at each end connected by a walkway, with the center area open above (no second storey). The purpose of the renovations is to have the building function as a climate controlled music studio that would be able maintain the temperature and humidity within a range that would protect the instruments. The upper floor would be for storage and a fitness/exercise room.

Photograph 1: Existing Building A (View from driveway looking west)



Photograph 2: Existing Building A (view looking north-east)



Figure 1: Proposed Side Elevation

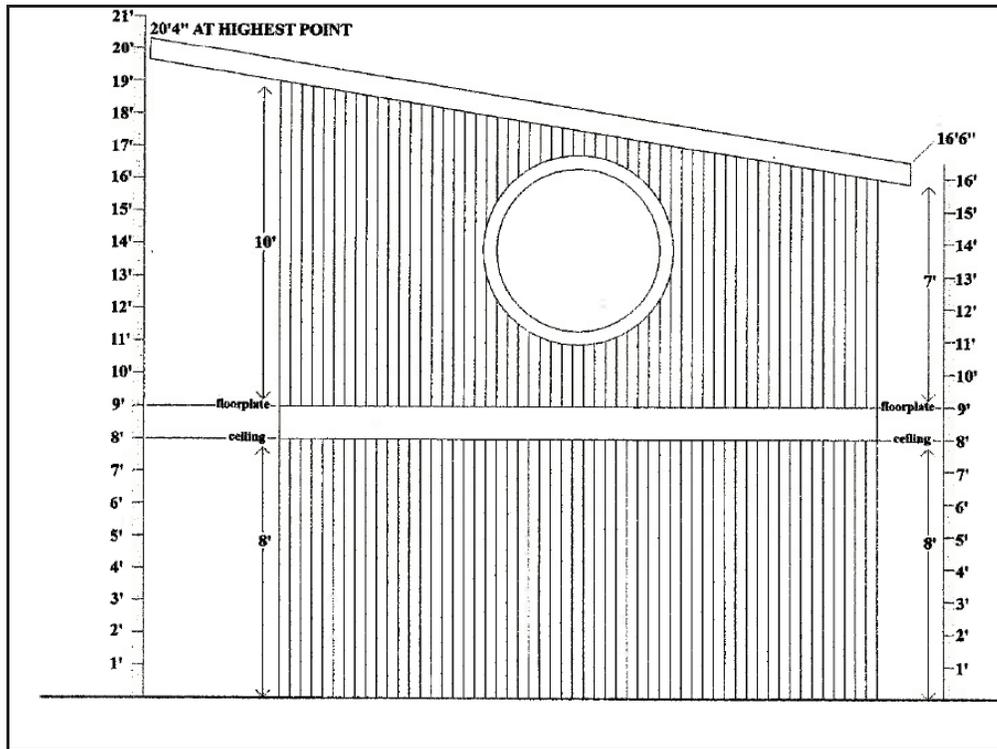


Figure 2: Proposed North Elevation (view from water)

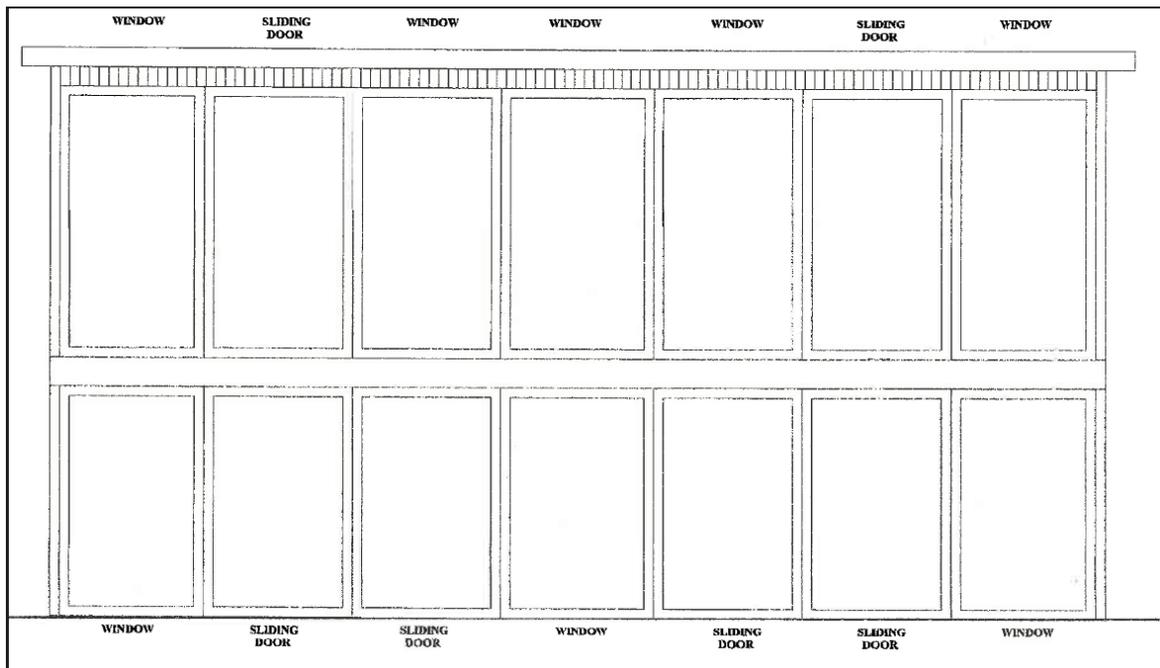


Figure 3: Lower Level

PAGE 122
STUDIO MAIN FLOOR PLAN

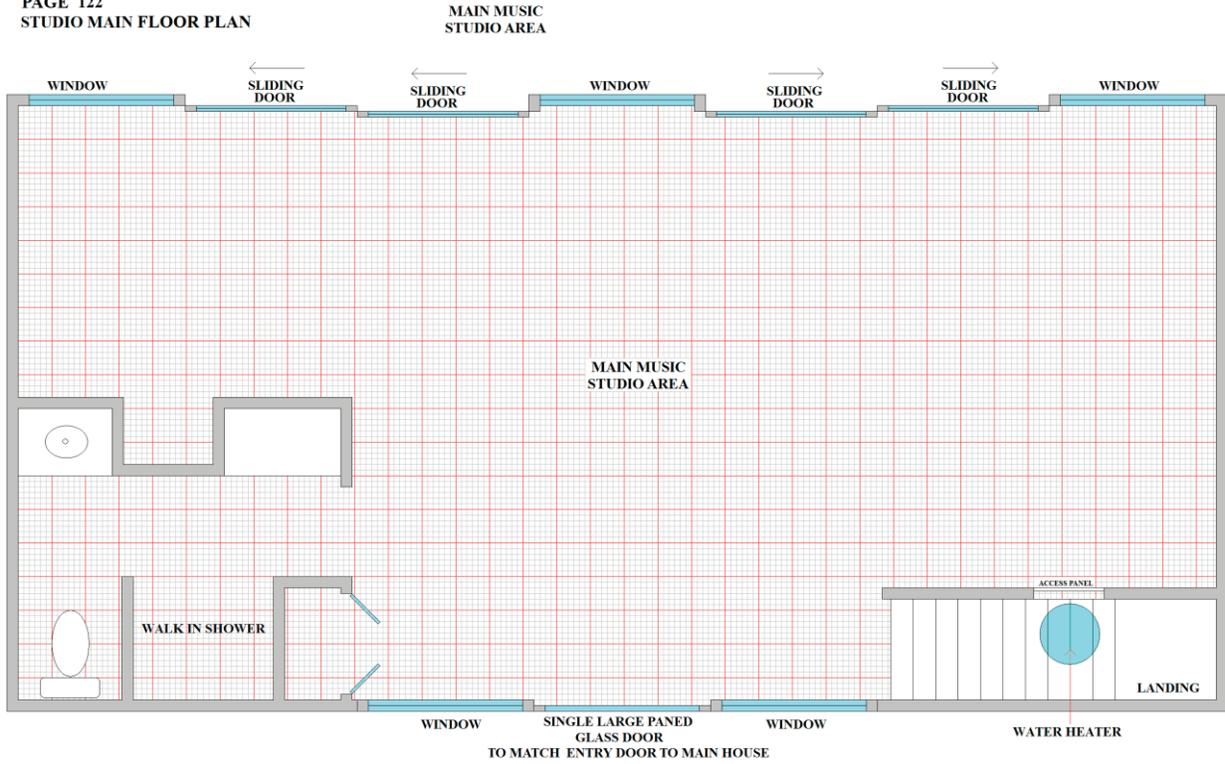
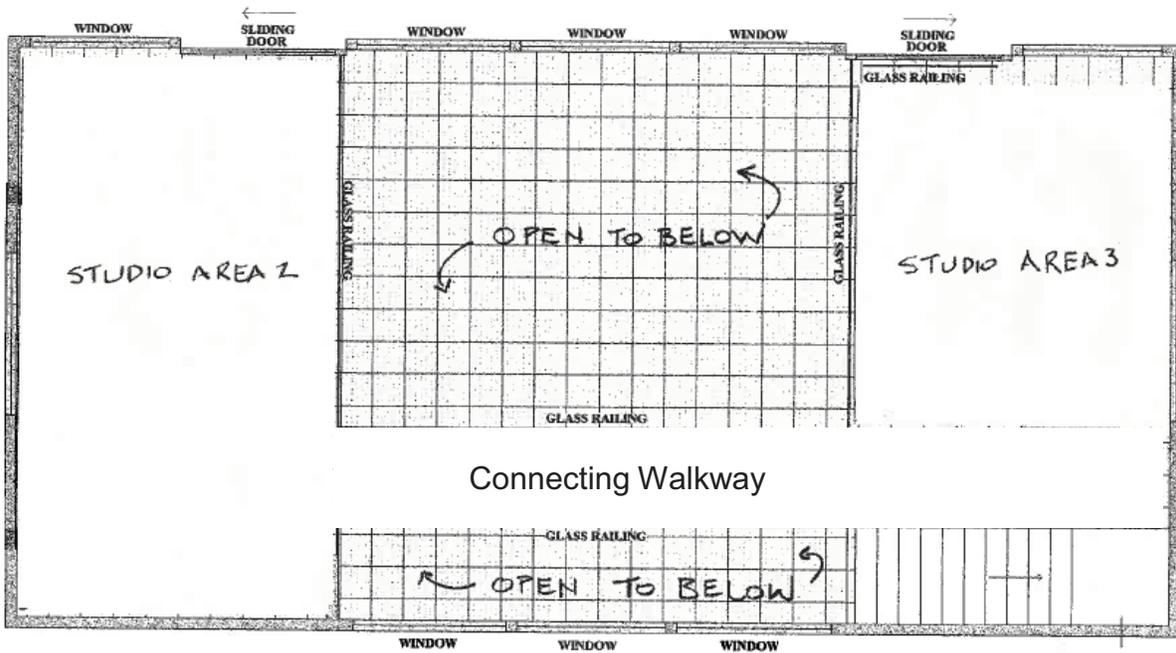


Figure 4: Upper Level



Building B

Building B is a small 4.9 m² (52.5 ft²) accessory building built many years ago by the original property owners. The accessory building is without power and water connections and is used as a small marine storage as it is located in close proximity to the existing boat winch system. As the accessory building is located within the 15 metre setback from the natural boundary of the sea, a variance is required to legalize the siting of the building. At this time, no improvements are proposed for this accessory building.

Photograph 3: Existing Building B (view looking north-east)



Photograph 4: Existing Building B (view looking south)



SITE CONTEXT:

The west-facing waterfront property is located at the western end of North Pender Island fronting Navy Channel. The subject property is 1.05 ha (2.6 acres) in area and is zoned Rural Residential (RR). Rural Residential zoned parcels surround the subject property and an undeveloped property with a conservation covenant is located directly to the north. There are six existing buildings on the subject property – a dwelling unit, four accessory buildings, and a pumphouse. Figure 5 indicates the location of the subject property and Figure 6 and 7 show the locations of the existing buildings.

Figure 5: Subject Property Map

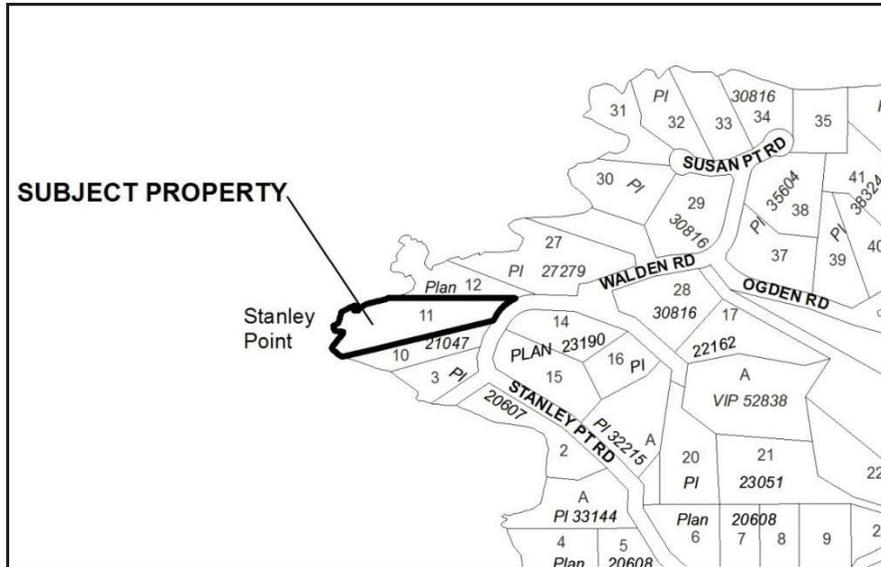
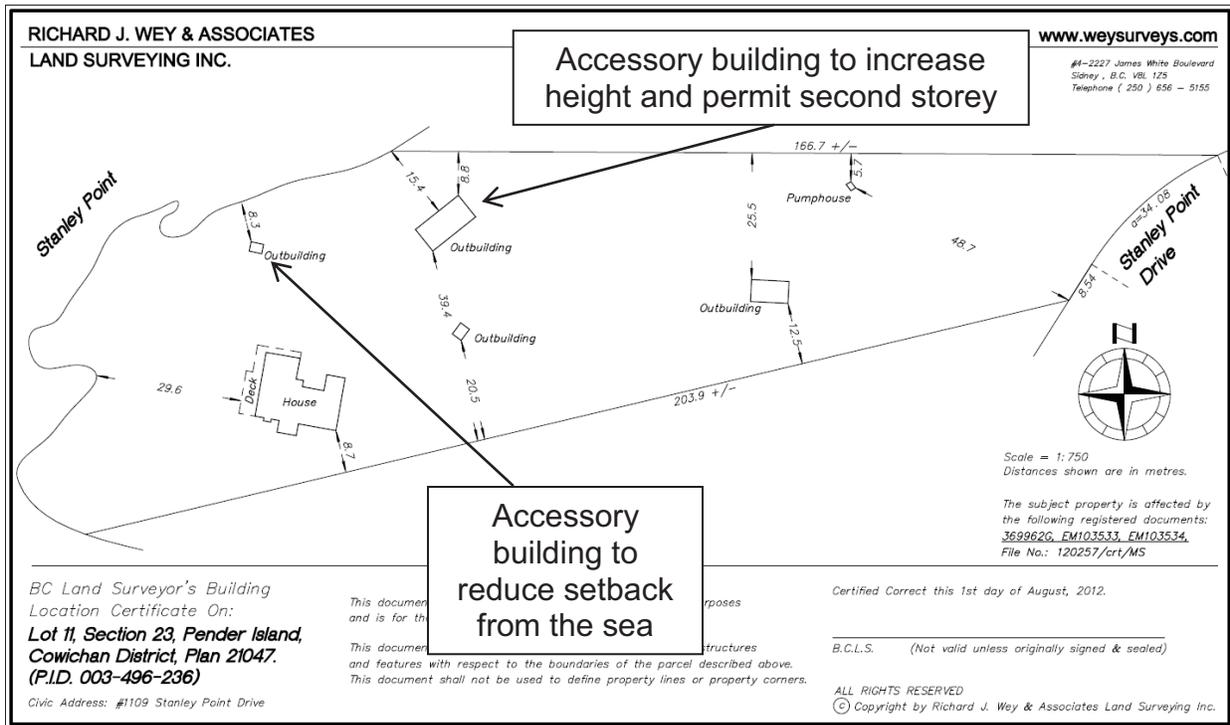


Figure 6: Orthophoto and 2 metre Contour Lines



Figure 7: Survey Site Plan



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

There are no directive policies relevant to this application.

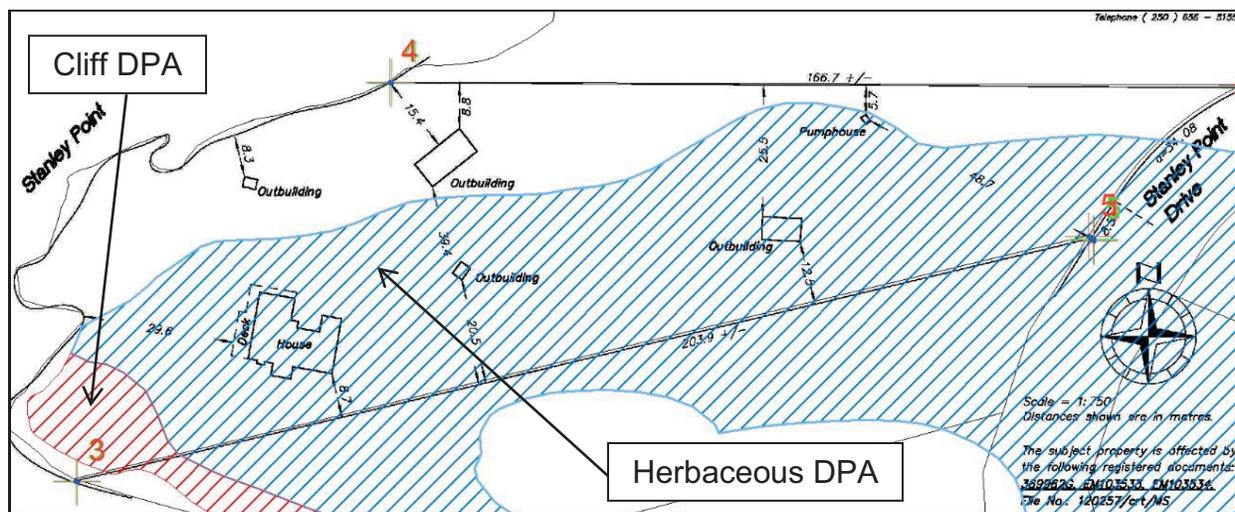
Official Community Plan:

The subject property is designated Rural Residential in the Official Community Plan (OCP); relevant policies include:

- 2.1.A – Maximum site coverage and setback and height limitations shall be regulated, and maximum floor area regulations may be established, to preserve rural character and to minimize resource and energy demands on the island.
- 2.1.1.1 – The principal use shall be residential. Accessory uses shall not detract from the rural character of the island.

Portions of the subject property are located within the Cliff Development Permit Area and the Herbaceous Development Permit Area. The proposed and existing outbuildings are not located in the Development Permit Areas as seen in Figure 8.

Figure 8: Development Permit Areas

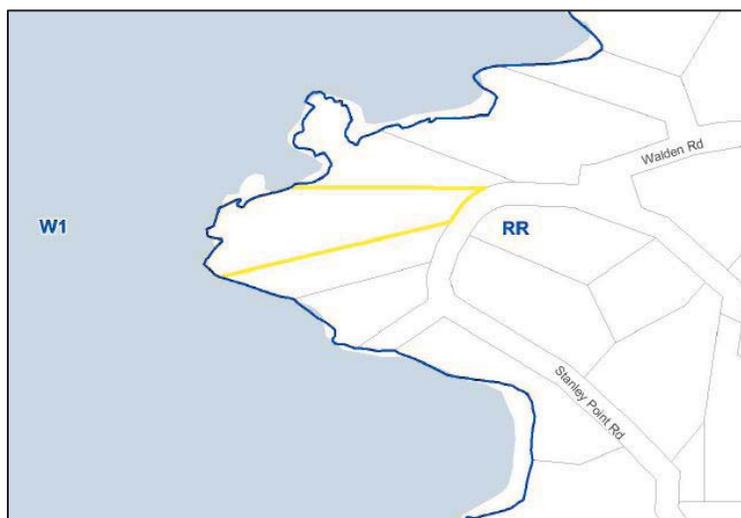


Land Use Bylaw

The subject property is zoned Rural Residential (RR) in the North Pender Island Land Use Bylaw No. 103, 1996. The specific bylaws relevant to this application include:

- Subsection 3.4.4 - An accessory building or structure may not exceed 4.6 metres in height and one storey, except for a boat house, which may not exceed 5.4 metres in height and one storey, a pumphouse, which may not exceed 3 metres in height, and a building used for farm or forestry purposes, which may not exceed 10 metres in height.
- Subsection 3.7.1 - No building or structure other than one referred to in Subsection 3.7.2 may be sited, nor fill placed to support a building or structure, within 15 metres upland of the natural boundary of the sea nor 7.6 metres upland of the natural boundary of a lake, wetland or stream, and for this purpose paved areas of asphalt, concrete or similar material are "structures".

Figure 9: Zoning Map



Islands Trust Fund:

The adjacent property to the north has a conservation covenant held by the Trust Fund Board. The application was referred to Trust Fund staff for their information. At the time of writing this report no comments or concerns have been raised.

Sensitive Ecosystems and Hazard Areas:

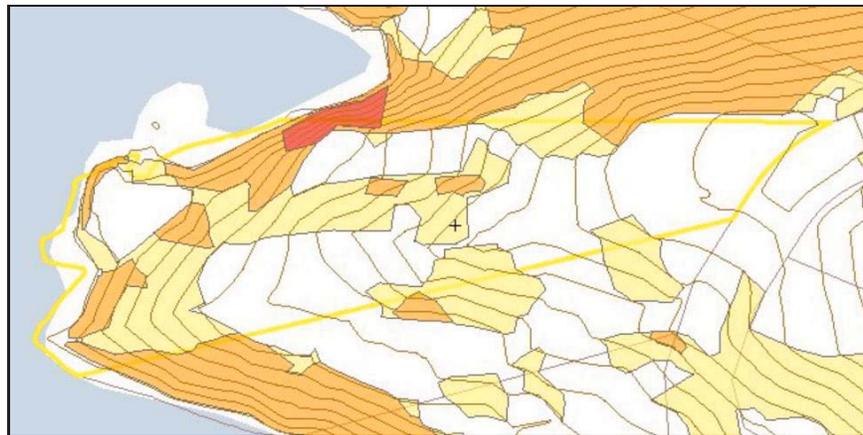
The Islands Trust Sensitive Ecosystem Mapping (SEM) identifies Mature Forests, Herbaceous, and Cliff primary sensitive ecosystems on the subject property. Although the accessory buildings are located within the Mature Forests sensitive ecosystem, they are located where the impact to vegetation is minimal. There are no anticipated impacts to the sensitive ecosystems as Building B is an existing structure and Building A will be constructed on the same footprint.

The steep slope hazard mapping indicates low, medium and high hazards on portions of the subject. Steep slope hazards are not a concern as the accessory buildings are not located within the hazard area. This is a rock fish conservation area to the north property. The requested variances and accessory buildings will not negatively impact the conservation area.

Figure 10: Sensitive Ecosystems Map



Figure 11: Steep Slopes Map



Archaeological Sites:

There are no archaeological sites registered in the provincial database on, or in close vicinity to, the subject property.

Covenants:

There is a covenant on the subject property regulating the size, number, and use of a dwelling unit and minimum lot sizes for subdivision. The covenant also establishes a setback for the dwelling unit and accessory buildings to be more than 7.6 metres (25 feet) from any boundary lot line. The proposed variances are in compliance with the covenant.

Climate Change Mitigation and Adaption

The variance application would have little impact for climate change mitigation; however the height variance encourages the increase of usable floor area on the original footprint and permits the second storey which helps to reduce the amount of impermeable surfaces.

Shoreline Type

The subject property's shoreline is classified as a Cliff Shoreline and a Low Rock/Boulder Shoreline. There are no anticipated impacts to the shoreline associated with this application.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m on June 25, 2013. At the writing of this report, no public submissions have been received. Any additional public submissions will be forwarded to the LTC and presented at the North Pender Island Local Trust Committee meeting on June 27, 2013.

ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance. The applicants state that the present over-height accessory building (Building A) does not adequately allow for proper use of the floor area available. If the height was increased and the second storey lawfully permitted, the structure would have an improved exterior appearance and would accommodate better use of the land by not adding more building area beyond the existing footprint of the structure. Furthermore, increasing the height would also allow the main floor area to have a proper 8 inch foundation curb to ensure that moisture and soil does not flow in from the driveway side.

The property owner states that he was unaware of the non-conforming status of the small accessory building (Building B) as this information was not disclosed by the sellers. There are no records to indicate if it is pre-existing non-conforming. As the property owner actively uses the building for marine storage, a variance is requested to legalize the siting of this structure. The property owner also notes that the area beneath and surrounding the accessory building is disturbed land historically used for boat launches and leisure activities and is not located within a Development Permit Area.

The overall intent of the regulation being varied. The overall purpose of the setback regulations is to minimize impacts on adjacent property related to: building code requirements, aesthetic, and privacy concerns. Regulating setbacks also helps to provide a consistent pattern of

development within a given zone. Any alternative to a DVP would be disruptive and may have a greater impact on the surrounding landscape and sensitive ecosystems.

Potential impacts of granting the variance. Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

STAFF COMMENTS:

This variance application is to legalize the siting of one existing accessory building and to increase the height and to permit a second storey to a second existing accessory building on the subject property. The applicant has requested to vary Subsection 3.4.4 of the North Pender Island LUB for the height of one accessory building from 4.6 metres and one storey, to 6.7 m and two storeys, and to vary Subsection 3.7.1 to legalize the siting of a second existing accessory building from 15 metres upland of the natural boundary of the sea to 8.3 metres.

The requested variance to increase the height of the accessory building (Building A) and to permit the second storey is due to the applicant wishing to optimize the use of the existing building. The two-storey accessory building was constructed by previous property owners and as it stands is already over height by 0.6 metres (2 feet). The current property owner intends to build within the same footprint but plans to increase the height of the building by 1.5 metres (5 feet). Retaining the original foot print of Building A decreases the potential to impact the herbaceous sensitive ecosystem just metres away from the accessory building. Staff would support increasing the usable floor area on the original footprint rather than maintaining the same floor area on a larger footprint as it would limit the amount of impermeable surfaces.

The applicants have requested to retain an accessory building (Building B) located along the foreshore. This building was constructed by previous property owners within the 15 metre setback from the natural boundary of the sea. The current property owner uses the small outbuilding for marine storage. Staff is of the opinion that relocating Building B would have a greater impact on the surrounding sensitive ecosystems than keeping it in its current location. Approving the variance will legalize the siting of the accessory building within the setback to the sea.

The siting and height of the accessory buildings (Buildings A and B) do not appear to have a negative impact on the surrounding properties. The property slopes from the top of Stanley Point Drive down towards the foreshore limiting the visibility of both accessory buildings from surrounding properties. Although the marine storage shed (Building B) is visible from the sea, the accessory building is small in size and does not a large visual impact.

Staff is of the opinion that the requested variances do not conflict with the intent of the North Pender Island LUB and OCP and recommends the development variance permit to be approved.

RECOMMENDATIONS:

THAT Development Variance Permit NP-DVP-2013.1 (HBH Island Holdings Inc.) BE APPROVED.

Prepared and Submitted by:



Kim Farris, Planner 1

June 19, 2013

Date

Concurred in by:



Robert Kojima, Regional Planning
Manager

June 19, 2013

Date

PROPOSED



Islands Trust

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

NP-DVP-2013.1

To: HBH Island Holdings Inc.

1. This Development Variance Permit applies to the land described below

Lot 11, Section 23, Pender Island, Cowichan District, Plan 21047, PID: 003-496-236

2. North Pender Island Land Use Bylaw 103, 1996 is varied as follows:

a) Subsection 3.4.4 is varied to increase permitted height for a non-habitable accessory building from 4.6 metres and one storey, to 6.7 metres and two storeys.

b) Subsection 3.7.1 is varied to reduce the siting setback to the natural boundary of the sea for an existing accessory building from 15.0 metres to 8.3 metres.

All buildings and structures shall be consistent with Schedules 'A' and 'B' which are attached to and form part of this permit.

3. For certainty the accessory buildings shall not be used as a dwelling or for the purpose of human habitation.

4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approval of the Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ___ DAY OF ___, 20__.

Deputy Secretary, Islands Trust

Date of Issuance

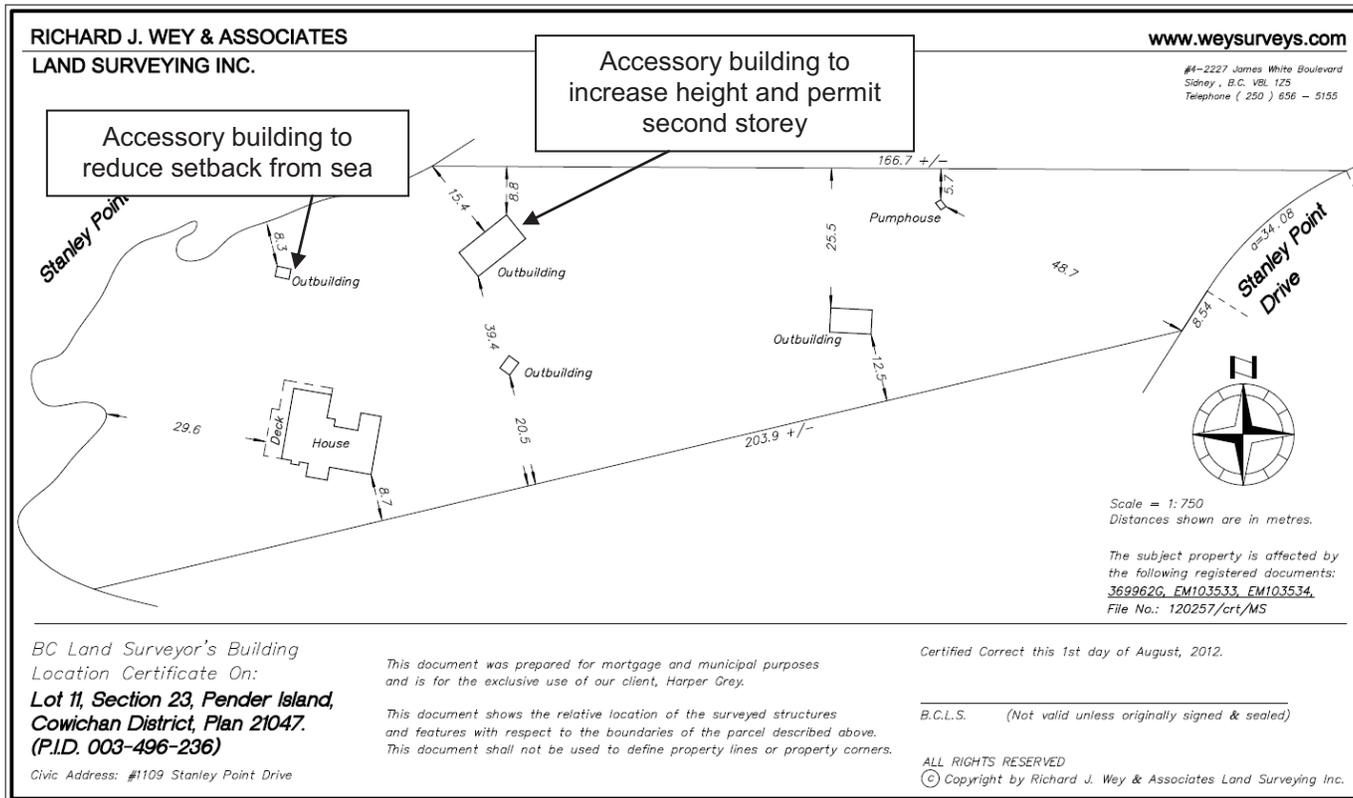
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ___ DAY OF ___, ___, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2013.1

SCHEDULE 'A'



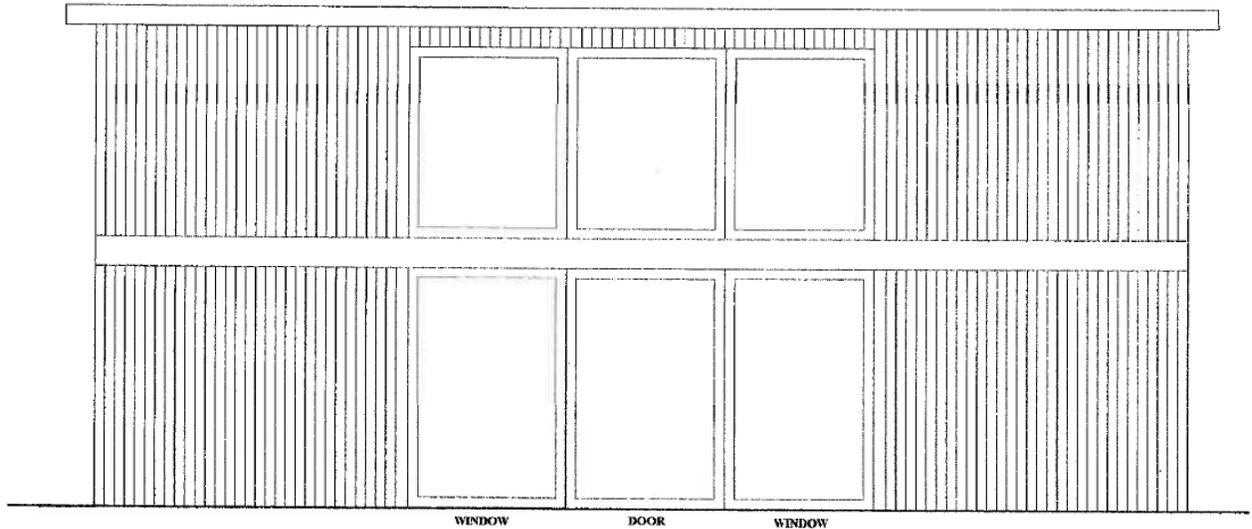
PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

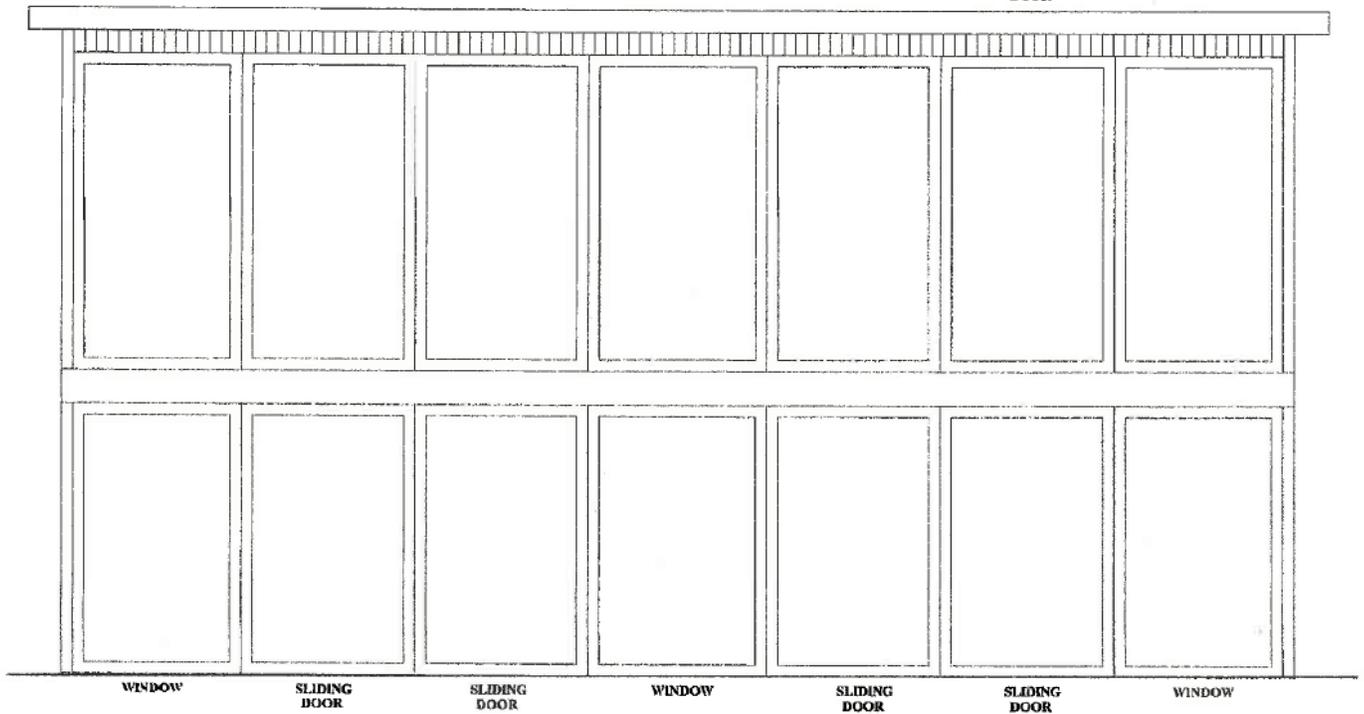
NP-DVP-2013.1

SCHEDULE 'B'

(Elevations for Two-Storey Accessory Building)

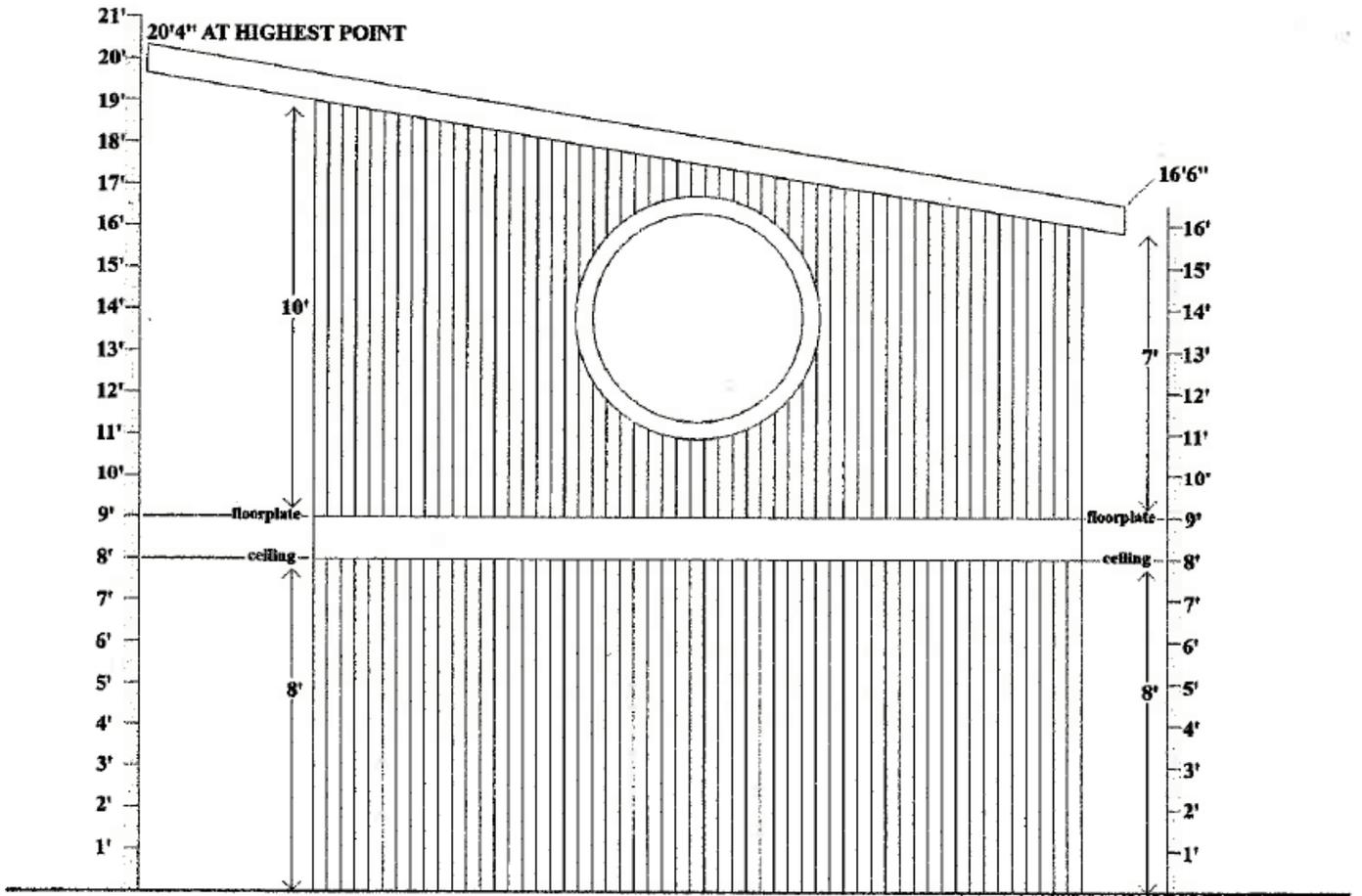


South Elevation



North Elevation

PROPOSED



West Elevation

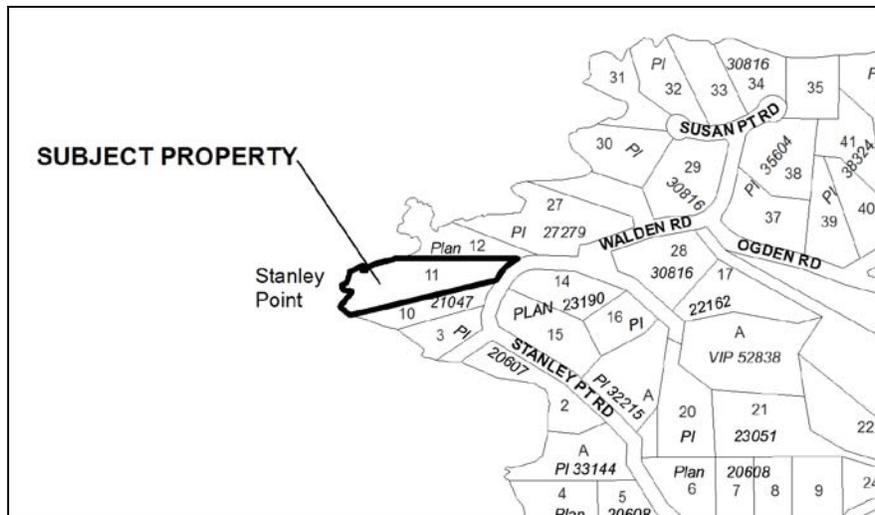


**NOTICE
NP-DVP-2013.1
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*. The proposed permit would vary the North Pender Island Land Use Bylaw 103, 1996 by varying Subsection 3.4.4 for the height of one accessory building from 4.6 metres and one storey, to 6.7 m and two storeys, and to vary Subsection 3.7.1 to legalize the siting of a second existing accessory building from 15 metres upland of the natural boundary of the sea to 8.3 metres.

The property is located at 1109 Stanley Point Drive and is legally described as Lot 11, Section 23, Pender Island, Cowichan District, Plan 21047.

The general location of the subject property is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing June 14, 2013 and continuing up to and including June 25, 2013.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island, B.C., commencing June 14, 2013. Also, attached for your convenience is a copy of the proposed permit.

Enquiries or comments should be directed to Planner 1 Kim Farris at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, June 25, 2013

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 9:45 a.m., June 25, 2013 at the Pender Island Community Hall on North Pender Island.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Kathy Jones
Deputy Secretary



Project Charter

Project Name: Conservation Subdivision Review

Creation Date: June 19, 2013

Last Updated:

Version: 1

Purpose

The purpose of this project is to review the subdivision regulations in the North Pender Island Land Use Bylaw (LUB) and any related policies in the North Pender Island Official Community Plan (OCP) and consider amendments that would encourage property owners to apply a conservation approach for the design and layout of future subdivisions to minimize adverse impacts from development.

Background

The LTC adopted regulations implementing lot clustering as an option in 2009 although it has not yet been applied in practice. Both lot clustering and conservation subdivisions have the potential to maximize open space to be preserved from development without reducing density. Conservation subdivisions would focus layout on the values to be preserved in addition to reducing the development footprint and costs. The key is identification of the values to be protected, including ecological, topographical, cultural, archaeological, aesthetic, etc. Conservation areas within one subdivision plan should also interconnect with adjacent lands to create a network of protected lands where appropriate.

A conservation subdivision approach should apply the following stages:

1. Background – understand/assess local context, map features, prioritize objectives, and integrate.
2. Design – identify potential conservation areas, locate house sites, design connections, identify lots.

At the design stage the process would be to identify the areas to remain free of development first, and then identify potential building sites, followed by access routes, and then finally future lot lines are added.

Project Objectives

- Foster a community conversation about conservation subdivisions
- Engage the community to identify and prioritize ecological and cultural values for protection.
- Review existing subdivision regulations and policies and considering new regulatory options with a priority on larger lots with significant subdivision potential of at least three or more additional lots.
- Encourage creation of compact, energy efficient communities as committed to in the BC Climate Action Charter and the OCP.
- Embrace opportunities and reduce barriers for new subdivisions to become part of, and contribute to, creating a sense of community.
- Promote connectivity of new subdivisions to existing neighbourhoods by: consideration of access to or through lots by roads, trails, or pathways; the potential for connections to existing neighbouring services or park lands; preserving wildlife corridors; and striving to maintain intact views and complementary patterns of development.
- Recognize the role of sustainable resource management in balancing economic benefits of resource extraction with protecting ecosystem function and biodiversity, and aesthetic values at the landscape level.

Project Scope

In Scope	Out of Scope
<ol style="list-style-type: none"> 1. Determine the overarching guiding principles 2. Identify the features and values to be addressed in design layout using: <ul style="list-style-type: none"> • Existing IT mapping • Other mapping sources • Identify other sources of information and features • Assessment of the vulnerability of the identified features and their priority and suitability for protection. 3. Preparation of background materials or a discussion paper for engagement purposes. 4. Community engagement: <ul style="list-style-type: none"> • Examples of conservation approach, possible guest speakers • Discuss potential impacts on neighbouring properties • Input to prioritize values and features to be protected • Targeted stakeholder engagement with owners 5. Review existing policies and regulations. <ul style="list-style-type: none"> • Current regulations re: conservation subdivision layout • OCP policies • Subdivision servicing regulations. • Zoning • Existing DPA 6. Consider policy and regulatory options to implement conservation approach to subdivision for larger lots: <ul style="list-style-type: none"> • Updated park land dedication mapping and/or policies. • amendments to subdivision regulations • development permit area for large lots. • zoning amendments of large lots. • regulations to require lot clustering under specified criteria. • policies to permit density transfer 7. Engage with targeted 'technical' stakeholders (developers, designers, surveyors) <ul style="list-style-type: none"> • options to streamline conservation subdivision applications 8. Implement regulatory and bylaw changes. 	<ul style="list-style-type: none"> ▪ New or additional mapping. ▪ Change in maximum lot potential (as based on minimum and average lot areas). ▪ Amending the road standards agreements between Islands Trust and MOTI. ▪ A general technical review of the subdivision regulations as they affect smaller subdivisions that would result in only one or two additional lots.

Project Deliverables

1. Mapping and Report to identify key features to prioritize for protection – September 2013
2. Background document and fact sheets – September 2013
3. Preliminary community workshop – October 2013
4. Follow-up community engagement – November 2013
5. Stakeholder meetings – December 2013
6. Reports(s) reviewing existing policies and regulations, providing options for amendment – Jan 2014
7. Draft bylaw(s) – February 2014

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
Large lot property owners	Individual owners	<ul style="list-style-type: none"> • Perceived loss of development potential • Unnecessary or onerous requirements • Unique marketing opportunities
Neighbourhoods near large lots with subdivision potential	Neighbouring property owners	<ul style="list-style-type: none"> • Impacts on local aesthetics, park and trail options, local environmental degradation, reduced potential impacts of ground or surface waters
Surveyors/consultants	BC Land Surveyors, consulting firms	<ul style="list-style-type: none"> • Clear, unambiguous regulations and requirements
Ministry of Transportation and Approving Officer	Saanich Area Office Staff	<ul style="list-style-type: none"> • Impacts to subdivision process, application requirements • Statutory responsibility of Approving Officer role • Need for clear bylaws and regulations, and identified public interest
First Nations	Local Band Councils or staff	<ul style="list-style-type: none"> • Ensure development in areas with registered archaeological sites is avoided • Identify other areas of concern
CRD Building and Fire Services	CRD Staff	<ul style="list-style-type: none"> • Ensuring minimal standards for access and servicing requirements
CRD Parks/EDC	PIPRC Regional Parks Staff	<ul style="list-style-type: none"> • Obstacles or opportunity to advance park land acquisition, expanding trail networks
Service providers	Improvement districts or other local service area operators	<ul style="list-style-type: none"> • Changes in service demands or other impacts.
Community organizations	Neighbourhood associations Realtors PICA MAPs	<ul style="list-style-type: none"> • Local values and impacts • Obstacles or opportunity to advancing other mandates/interests
General public		

First Nations: As with all LTC projects, First Nations with asserted aboriginal rights in the subject area will be contacted early to inform them of the project and ask them to identify any aboriginal rights that may be impacted by the proposed change.

Project Team Resources

Name	Role	Responsibility
Robert Kojima	Project Champion	Ensures project aligns with strategic goals, provide adequate project resources
North Pender Island LTC	Project Sponsor	Provides support through maintaining the project as a work program priority
Andrea Pickard	Project Manager	All project management of the project, lead/ direct all project work

Project Budget

The available budget is \$4,000, a general breakdown of costs is:

Community Information Meeting - separate day from LTC meeting - Focusing on community engagement and education on conservation based subdivision generally - Potential guest speaker highlighting past experiences - Preparation of background materials	\$500
Community Information Meeting - separate day from LTC meeting - Workshop focus with engagement of key stakeholders - Focus on more specified neighbourhoods, conservation features and possible regulatory options -	\$500
Extra advertisement	\$500
Guest speaker for CIM/engagement	\$500
Targeted stakeholder meetings/ workshops	\$500
Public hearing	\$1,500
Contingency (from LTC special projects or LUB review project budget)	\$1000

Project Timeline

Deliverable / Milestone	Target Timeline
Identify project goals and objectives, refine scope and timeline	May LTC
Endorse project charter	June LTC
Technical review of current subdivision potential – update data	July-Sept
Identify key features to guide development pattern and develop mapping – using general concepts and existing mapping	July-Sept
Preliminary community engagement	Sept - Oct
Follow-up community engagement <ul style="list-style-type: none"> A more detailed review for input on specified, proposed implementation 	Nov
Engage targeted stakeholders: large lot owners, surveyors,	Dec
Consider existing subdivision regulations	Dec - Jan
Consider policy and regulatory options	Dec - Jan
Bylaw amendment process including agency referral	Feb - Mar
Community Information Meeting and Public Hearing for any proposed LUB or OCP amendments	Apr

Endorsements

	Name	Endorsement Date
Project Champion	Robert Kojima	
Project Manager	Andrea Pickard	
Project Sponsor	Local Trust Committee	



Islands Trust

Top Priorities

North Pender Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Shoreline Review	<ul style="list-style-type: none"> • develop school/community workshop • develop tri-fold brochure • develop powerpoint from materials • develop compiled map of shore features 	Sep-22-2011	Andrea Pickard		On Going
2	Conservation Subdivision Review	<ul style="list-style-type: none"> • identify natural and cultural features to be prioritized for protection • community engagement • engage key stakeholders, including property owners of larger lots • review options to implement in LUB and OCP 	Feb-28-2013			On Going



North Pender Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation and Community Resilience	Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience	Jan-22-2009	On Going
2	Agricultural Projects	Consider implementing agricultural initiatives identified in OCP, including an Area Farm Plan	Jan-22-2009	On Going
3	Other OCP projects: 1. View corridor review 2. Parks and Conservation area review 3. Pedestrian and Cycle paths 4. Groundwater protection strategy 5. Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)		Jan-22-2009	On Going
4	Agricultural Building Watercourse Setbacks		Jul-28-2011	On Going
5	Geological Hazard Mapping	Continue work on proposed DPA for Hazardous Areas	Feb-22-2012	On Going
6	LUB Amendments	<ul style="list-style-type: none"> • review of industrial zoning, including waste management • tourist commercial zoning review • home industry regulation • ferry terminal zoning • review of commercial (C1) zoning • incorporate TUP's into zoning • landscape screening review • review of marine zoning regulations in conjunction with overall shoreline development review 	Mar-22-2012	On Going

- amendments to permit renewable energy
- review of floor area calculations, applicable for cottages in support of alternative, energy efficient building designs
- height exemptions for agricultural or forestry buildings and boat sheds
- max floor area for principal dwellings

7	Road Side Signs		Apr-26-2012	On Going
8	Applications after the fact	options to address situations where construction work has occurred without the required permits or approvals	Jun-28-2012	On Going
9	LUB/OCP Amendments Related to Roadway and Transportation Initiatives	<ul style="list-style-type: none"> • NZEV designation • Level 2 Charging Stations • Additional Car Stop Locations • Additional Bicycling-Walking Routes • Heritage Roads • Related policy and regulatory options 	Sep-20-2012	On Going



Applications w/ Status - North Pender Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
NP-ALR-2012.1	Michael & Anne Burdett Planner: Andrea Pickard	Dec-21-2012	4606 RAZOR POINT RD Application by Owner in Non-Farm Use in the ALR
Planning Status			
Status Date: Feb-01-2013			
LTC resolution to forward to ALC			
Status Date: Jan-22-2013			
on Jan agenda			
Status Date: Jan-07-2013			
staff report completed			

Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2013.1	Aronowicz c/o Paul Brackstone Planner: Andrea Pickard	May-10-2013	1117 WALDEN RD to vary the setback to the natural boundary of the sea
Planning Status			
Status Date: Jun-07-2013			
scheduled for June 24, notices delivered			
Status Date: May-14-2013			
Sent letter of acknowledgment of receipt of fees and application to applicant. Forwarded to Planner			
Status Date: May-13-2013			

Applicant sending a letter of authority recognizing him the acting agent for this application along with owner's signature.

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2010.4	TWA	Apr-19-2010	RAZOR POINT RD of a 15 lot subdivision, request a variance for lots 8 (vary sec. 4.10.3 of LUB) and 13 & 14 (vary sec. 4.12.1 of LUB)

Planner: Andrea Pickard

Planning Status

Status Date: Feb-28-2012

decision deferred until amending the consolidated covenant is investigated and the AO and DSO comment on the drainage rpt

Status Date: Jan-26-2012

jan meeting cancelled, on Feb agenda

Status Date: Jan-10-2012

on Jan agenda, draft covenant and drainage rpt included

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2013.1	Eric Pohl - Island Legacy Construction LTD Planner: Kim Farris	May-27-2013	1109 STANLEY POINT DR to vary the height requirement of out buildings from 17' to 21'.

Planning Status

Status Date: Jun-10-2013

on June agenda

Status Date: May-30-2013

Sent letter of acknowledgement of receipt of fees and application to applicant, copied file to trustees and forwarded to Planner

Status Date: May-27-2013

Waiting for signatures of owners on application

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.1	Michael and Anne Burdett	Nov-09-2012	Waste transfer/sorting facility with commercial recycle & composting

Planner: Andrea Pickard

Planning Status

Status Date: Jan-09-2013

on hold until ALC application completed

Status Date: Nov-09-2012

Application sent to Local Trustees and Planner

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2012.2	Clam Bay Holdings Ltd Planner: Kim Farris	Nov-27-2012	To rezone to permit clustered residential uses and remove agri-tourism accommodation uses

Planning Status

Status Date: Feb-19-2013

staff report completed

Status Date: Jan-07-2013

site visit

Status Date: Nov-28-2012

Application forwarded to Planner and copies sent to Trustees.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2013.1	Ron Henshaw	Jan-18-2013	3418 SOUTH OTTER BAY RD - applies to portion of property with 4402 Otter Bay Rd address Allowing for present use (gravel storage & sales; construction debris, sorting & recycling & transfer of materials & garbage) and future buildings for storing recycled materials and possibly an in vessel composter.

Planner: Andrea Pickard

Planning Status

Status Date: Mar-08-2013

direction to proceed with more information requested from applicant

Status Date: Feb-13-2013

preliminary report for Feb agenda

Status Date: Jan-22-2013

Sent letter of acknowledgment of receipt of fees and application to applicant. Copy to trustees and forward to Planner

Subdivision

File Number	Applicant Name	Date Received	Purpose
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NP-SUB-2008.3 Wey Mar-19-2008 5442 HOOSON RD : Creating 4 lots
Planner: Andrea Pickard

Planning Status

Status Date: Apr-02-2013

natural areas covenant registered - copy received

Status Date: Nov-20-2012

final letter of approval sent to MOTI

Status Date: Nov-19-2012

letter of undertaking confirmed

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.5	Richard Wey & Associates Planner: Andrea Pickard	Apr-15-2008	6621 HARBOUR HILL DR (TWA); To Create 15 lots

Planning Status

Status Date: Dec-20-2012

groundwater report rec'd

Status Date: Mar-30-2012

DFO confirmed file is closed

Status Date: Mar-12-2012

pending owner commenting on requested covenant amendments and Gardom Pond issues to be clarified

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.1	Richard Wey & Associates Land Surveying Inc Planner: Kim Farris	May-16-2011	4606 OAK RD & 4602 OAK RD Boundary adjustment

Planning Status

Status Date: Feb-27-2012

DP approved

Status Date: Jan-10-2012

DP application rec'd - xref NP-DP-2012.1

Status Date: Oct-06-2011

PLA issued

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2011.2	JM Wood Investment Ltd Planner: Kim Farris	Sep-02-2011	application to subdivide Parcel K (DD50314-i) into two fee simple lots. Separated by the dedication of Clam Bay Road

Planning Status

Status Date: Feb-07-2012

PLA issued

Status Date: Sep-28-2011

response sent to MOTI, copied to app/owner

Status Date: Sep-08-2011

Forwarded to Planner and Trustees

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.3	cRJ Wey & Associated Land Surveying (Philpot) Planner: Andrea Pickard	Jul-24-2012	Proposed 3 lot Strata Development

Planning Status

Status Date: Oct-17-2012

PLA issued

Status Date: Sep-17-2012

response sent to MOTI

Status Date: Sep-06-2012

File forwarded to Planner

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross Planner: Kim Farris		2218 CLAM BAY RD To create 11 lots including remainders

Planning Status

Status Date: May-29-2013

Applicant to determine location of strata road access prior to initiating the required DP

Status Date: Apr-11-2013

PLA received from MOTI

Status Date: Feb-26-2013

Kathy Jones

From: Nicole Ranger
Sent: June-07-13 4:50 PM
To: Andrea Pickard; Gary Steeves; Jason Youmans; Ken Hancock; Peter Luckham; Robert Kojima; Sharon Lloyd-deRosario; Kathy Jones
Cc: Nancy Roggers
Subject: North Pender LTC expense report to May 31. 2013

650 North Pender	Invoices posted to May 31, 2013	Budget	Spent	Balance
65000 650	LTC "Trustee Expenses"	1,500.00	697.00	803.00
65200 650	LTC Local Exp LTC Meeting Expenses	4,000.00	391.86	3,608.14
65210 650	LTC Local Exp APC Meeting Expenses	1,000.00	-	1,000.00
65220 650	LTC Local Exp Communications	500.00	-	500.00
65230 650	LTC Local Exp Special Projects	2,000.00	-	2,000.00
65240 650	LTC Local Exp Miscellaneous	500.00	-	500.00
TOTAL LTC Local Expense		8,000.00	391.86	7,608.14
	North Pender Shoreline Review	5,000.00	-	5,000.00
TOTAL Project Expense		5,000.00	0.00	5,000.00

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

North Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2005	NP-LTC-05-05	Advisory Planning Commission Appointments	The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations
2.	May 25, 2006	NP-LTC-80-06	Communications Policy	Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.
3.	May 25, 2006	NP-LTC-82-06	Enforcement Policy - STVR	<p>1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs that have one or more of the following characteristics will be subject to enforcement:</p> <ol style="list-style-type: none"> 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are also staying in tents, trailers or RVs; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on North Pender Island as a STVR. <p>2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the North Pender Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time;</p>
4.	August 30, 2007	NP-LTC-146-07	Special Occasion License Policy	THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
5.	April 28, 2011	NP-LTC-50-11	Adopting In Camera Minutes	It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.

ISLANDS TRUST BRIEFING

DATE: May 28, 2013

TOPIC: TRUSTEES ACTING AS LIAISONS TO OTHER COMMUNITY GROUPS

DIRECTED TO: Trustees

CONFIDENTIAL: NO

DESCRIPTION OF ISSUE:

Clarification of trustee roles when participating in other community groups.

BACKGROUND:

Once they are elected to office, local government officials are often advised to resign from 'leadership positions' (i.e. board or executive positions) in community groups that may have regular interactions with their local governments. While the Islands Trust has no policy on this topic, and it is not 'illegal' to participate in community groups, this advice is generally intended to avoid on-going questions (and occasionally expensive legal advice) about conflicts of interest or bias, especially where a community group has regular involvement in the types of decisions that come before the local government.

Nevertheless, trustees are sometimes invited to participate in community groups *because* they are trustees, and therefore able to act as a liaison between the group and the local trust committee. Occasionally, the local trust committee wishes to provide a representative to a newly-formed group that is taking a collaborative or multi-agency approach to addressing a community concern.

Recent case law indicates that it is particularly important to distinguish between situations where:

- a. A trustee participates in a community group with equal interests in both the interests of the group and the interests of the local trust committee (i.e. a situation that could lead to a conflict of those interests), or where
- b. A trustee participates in a community group as a liaison from the local trust committee, keeping the local trust committee's interests paramount.

In situation (a), trustees are advised not to participate in a leadership role, unless the group is one that has no interest in community land use issues and is expected to have no interactions with the local trust committee (i.e. a singing club). This avoids on-going concerns about potential conflict of interest and bias.

In situation (b), if a trustee is participating as a liaison on behalf of the local trust committee, the local trust committee should be asked to pass a resolution confirming this relationship for the record. This clarifies that the trustee's participation in the group is primarily on behalf of the local trust committee, and that their primary loyalty and interests remain with the local trust committee. Ideally, the group that has invited the trustee's participation can also formally clarify (through an appointment resolution, establishment bylaws or other formal means) that the trustee has been appointed as a liaison from the local trust committee.

ATTACHMENT(S): NO

AVAILABLE OPTIONS:

1. Where the local trust committee endorses a trustee's participation as a liaison to a community group, the local trust committee should confirm the trustee's role by considering a resolution such as:

That the (name of island) Island Local Trust Committee endorses Trustee (name of trustee) to participate as its liaison to the (name of community group) and to represent its interests at meetings of that group.

In this situation, the trustee should still seek advice early if the local trust committee is (or is likely to) consider a decision that affects the financial interests of the group, to identify the potential for a direct or indirect pecuniary conflict of interest. In such situations, the trustee should refrain from directly or indirectly influencing the local trust committee's decision, unless legal advice confirms there is no concern about conflict of interest.

2. Where a local trust committee does not wish to have a liaison to a particular community group, then it would not pass such a resolution. In that circumstance, trustee participation in a leadership role is not advised, unless the group is one that has no interest in community land use issues and is expected to have no interactions with the local trust committee (i.e. a singing club).

FOLLOW-UP:

1. Trustees who participate in community groups as liaisons from their local trust committee should seek to have an appropriate resolution passed by their local trust committee. They are able to participate in such a vote.

2. Trustees who have concerns about conflict of interest or a perception of bias as a result of their participation in a community group (even as a liaison) should seek legal advice through the Chief Administrative Officer, as before. Ultimately, the trustee is responsible for identifying and acting on potential conflicts of interest or bias. Advice about conflict of interest and bias should not be sought directly from planning staff.

3. Staff are developing additional tools for trustees to assist them in identifying potential conflicts of interest that may arise from membership in other groups, and to assist them in taking appropriate steps when questions or concerns arise.

PREPARED BY: Linda Adams, Chief
Administrative Officer

SUBMITTED BY: Linda Adams, Chief
Administrative Officer

REVIEWED BY: _____
(Chief Administrative Officer)

REVIEWED BY EXECUTIVE COMMITTEE:

May 28, 2013

OTHER REVIEW:
D. Marlor, Director of Local Planning Services
C. Thiel, Legislative Services Manager



Memorandum

Date June 18, 2013 File Number 4020-20 Foreshore Structures

To Local Trust Committee

From Local Planning Committee

Re **PROACTIVE BYLAW ENFORCEMENT OF ILLEGAL STRUCTURES ON THE FORESHORE**

At the May 9th, 2013 Local Planning Committee (LPC) meeting the following resolution was passed:

It was MOVED and SECONDED

That the Local Planning Committee direct staff to ask the Local Trust Committees if they are willing to pilot a project on proactively enforcing illegal structures on the foreshore.

CARRIED

As a result, this memo is to ask whether there is willingness to participate in a pilot project regarding proactively enforcing illegal structures on the foreshore. Attached is a copy of the staff briefing report considered at the LPC meeting.

The purpose of this project is to address the issue of proactive bylaw enforcement of illegal structures on the foreshore and to develop a generalized approach that all islands could use through education, proactive enforcement and regulation. The intent of this project is to address the issue of illegal foreshore structures (e.g. buildings, decks, seawalls, etc.) through various methods of improving awareness about, and enforcement of, regulations pertaining to structures built near the sea.

At this stage, it is just to gather the interest of the LTCs and then a decision will be made on which LTC and what sort of pilot project it will be given the resources (staff and funding) available.

Please indicate your interest by e-mail to Kris Nichols, Island Planner at knichols@islandstrust.bc.ca . The LPC will take the LTCs interests and comments into consideration at the August LPC Meeting.

Attachment: Staff Briefing Report

Pc David Marlor, Director

variance permit retroactively and in many cases these get approved, thereby weakening the argument for restrictive development of structures within the foreshore.

Generally, bylaw enforcement is complaint driven. That being said, the Islands Trust bylaw enforcement policy does permit bylaw enforcement officers to initiate enforcement on the foreshore without complaint as these areas are considered as environmentally sensitive. Proactive enforcement is generally the best approach which should be combined with education (i.e. workshops, letters, brochures, web postings, newspaper advertisements, etc.) as bylaw officers have limited resources and capacity to do this on their own. Increasing proactive enforcement should result in greater compliance as it would increase the risk to property owners who ignored the regulations, but more importantly education of the regulations and their rationale and subsequent enforcement should help to reduce the number of bylaw infractions and protect these environmentally sensitive areas.

Rationale for Proactive Enforcement of Illegal Foreshore Structures

In establishing some of the background rationale for this priority staff has met with Bylaw Enforcement staff to gain a further understanding of the need for proactive enforcement and the specific file types (e.g. docks, decks, seawalls, etc.). Staff has reviewed the bylaw files pertaining to illegal foreshore structures on each of the islands. There are 38 files bylaw enforcement files currently open. They are as follows:

Island	Files	Generalized Type
Denman	6	Stairs to Foreshore: 5 Building: 1
Gabriola	1	Stairs to Foreshore & Log Seawall: 1
Galiano	2	Retaining Wall: 1 Stairs to Foreshore: 1
Gambier	8	Concrete Dock: 1 Structure (not specified): 5 Rip Rap Seawall: 2
Hornby	0	N/A
Lasqueti	0	N/A
Mayne	0	N/A
North Pender	5	Wooden Ramp to Foreshore: 1 Seawall (Possibly Rip Rap): 1 Dock: 2 Stairs to Foreshore: 1
Saturna	3	Deck: 2 Platform: 1
Salt Spring	8	Seawall (no indication of what type): 2 Groyne: 1 Deck with Stairway to Beach: 2 Deck: 2 Concrete Seawall: 1
South Pender	0	N/A
Thetis	5	Concrete Seawall: 1 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp/Stairs: 1 Addition to Cabin: 1
Totals	38	Stairs to Foreshore: 7 Building: 1 Stairs to Foreshore & Log Seawall: 1 Retaining Wall: 1 Concrete Dock: 1 Structure (not specified): 5

		Rip Rap Seawall: 2 Wooden Ramp to Foreshore: 1 Seawall (not specified what type): 3 Dock: 2 Deck: 4 Platform: 1 Groyne: 1 Deck with Stairway to Beach: 2 Concrete Seawall: 2 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp Stairs: 1 Addition to Cabin: 1
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Table 1 – Foreshore Enforcement Files

The files listed above give a good indication of the issues that are prevalent for bylaw enforcement in addressing illegal structures on the foreshore with the most prevalent being providing access to the foreshore through the construction of stairs. The enforcement of these files will help to establish that there are regulations pertaining to illegal structures within the foreshore. It is hoped that through such enforcement that others will learn of the need to follow the regulations. This would have to be coupled with proactive enforcement in order to be more effective in getting the word out or to tackle those that were not a result of a complaint or happened upon by the enforcement officer. Again, bylaw enforcement will have to consider existing resources in order to determine whether they can expand their current enforcement program which will be needed at the outset. It should be noted that because four local trust committees do not have foreshore violations does not mean that they do not have illegal structures on the foreshore, they just don't have any recorded complaints.

Project Outline:

Staff has outlined in brief the project objectives and scope to address illegal foreshore structures. This is based on the original discussion at LPC, however, after some analysis staff realize that the project will have to be further defined prior to proceeding with further (more detailed) project evaluation.

Proposed Project Objectives

- Initiate proactive enforcement through regulation, education and awareness.
- Reduce the number of development variance permits that are applied for retroactively in the foreshore areas.
- Educate property owners with sea frontage on the importance of maintaining these environmentally sensitive areas and providing alternatives to hard structures where “green” structures could be utilized lessening the environmental impact.
- Educate agencies (e.g. CRD, VIHA, etc.) and contractors that deal with property owners with sea frontage (e.g. building permits, septic fields, etc.)
- Develop as required regulations that will help to protect the foreshore areas from illegal structures (e.g. development permits, additional setbacks, etc.)
- Establish general procedures for the enforcement of regulations with a combination of proactive enforcement and education. This would include an analysis as to the best way to establish a benchmark and the subsequent reviews of the island shorelines.

Proposed Project Scope

- Increase communication around education and awareness regarding foreshore/setback from the sea structure construction.
- Review of existing regulations on all Islands to determine if new regulations are required.
- Review of differing island approaches being taken for pro-active foreshore enforcement (i.e. existing bylaws, communication, etc.)
- Review of the current regulations used on each island regarding the ability to construct structures within the foreshore/setback to the sea.
- Determine the best approach to identifying structure on the foreshore (i.e. boat, plane, helicopter, roads, etc.) initially and a timeframe for subsequent analysis.

ATTACHMENT(S):

AVAILABLE OPTIONS:

Options to Consider for Proactive Enforcement

There are a number of options that should be considered by the LPC as to the direction to take toward increasing proactive enforcement of illegal structures on the foreshore. It is important to remember that currently the budget for this project is \$2000.00 and that as this is an enforcement issue there are limited staff resources that need to be considered.

1. Trust Wide Proactive Enforcement

This would be the most financially, staffing and time dependent option. It would involve researching the shorelines of all the islands to locate through GPS possible infractions and then identifying the specific properties and determining whether they had been given variances to accommodate the infractions or to determine when they may have occurred. It would then entail being proactive with the land owners and following up with their infractions. Follow up would be required by either bylaw enforcement staff or planning staff. Creating a foreshore picture of illegal structures would be a useful tool, but would have to be maintained every 2-3 years to be effective.

Pros – this would create the best record of structures on the foreshore for all the local trust areas. It would enable staff to be proactive in their approach by identifying specific properties and thereby proposing specific remedies.

Cons – It would be costly and time consuming for staff to establish the record and for follow up. Additionally, funding would be required and buy-in from all the local trust committees and respective staff. It would also have to be done every 2-3 years to remain effective. It would take staff away from current bylaw enforcement duties and file management. It may increase staff requirements for follow up.

2. Island Proactive Enforcement – Establish Generalized Approach

The intent would be to take one local trust area to establish a proactive enforcement approach and to use that approach, once determined, in other local trust areas (with variations).

In addition, this approach could involve establishing an education and awareness program that could ultimately be used for other islands.

Pros – this approach would create a sample proactive enforcement approach for a specific local trust area that could be used in other local trust areas. It would provide an

idea of what extra resources (i.e. staffing, time and money) would be required to do the proactive enforcement.

Cons – this approach would be specific to one local trust area and not address illegal foreshore structures immediately in all the local trust areas.

3. Education and Awareness Approach – Trust Wide

This is would be the least resource dependent approach and would deal with ways to educate land owners of the need to protect the shoreline and likely could be started with the \$2000 allocated at this time. However, it could be argued that this is the least likely way to get results.

1. Mail outs – to select foreshore property owners for a targeted mail out of information regarding island specific enforcement (i.e. setbacks, development permit areas, etc.)
2. Pamphlets/Brochures – a more general approach through the development of a brochure to be available at offices and possibly used for a mail out and placed on website.
3. Website Updates – to be placed on all Island's web pages in a similar format with the brochure, but with island specific references (i.e. links to zones, Development Permit Areas, etc.)
4. Information meetings – build on Shoreline Workshops held over the past couple of months, but with specific reference to enforcement issues and what can and cannot be built in the foreshore areas.
5. Encouraging Local Trust Committees to adopt Development Permits for Shorelines Areas – while this may not stop illegal structures from occurring, the process of implementing Development Permit Areas will help to educate people about the importance of protecting the foreshore areas.

Pros – this approach is the least costly method to get information out to the residents. It ensures that those that are most likely to be able to impact the foreshore will be made aware of what is permitted to be constructed and what is not. May be a first approach to enforcement and could be evaluated at a later date to see what else may be needed. It fits within the allocated budget.

Cons – this approach may be the least likely to get results as it may just be considered another piece of paper and or meeting by the local trust committee.

4. Status Quo Approach

Given that illegal foreshore activities are only 13.9% of enforcement files and the anticipated impact that proactive enforcement may have on current resources (staff, time and money) that no proactive enforcement be taken.

Pro – keeps resources as they are currently being used.

Con – illegal foreshore structures may continue to be an issue for many islands and enforcement will remain to be both complaints driven and proactive where noticed.

Staff Summary:

It should also be noted that the active files indicated in the table (See Table 1) represent 13.9% of the total number of open enforcement files (273) currently. It should also be noted that being proactive regarding illegal foreshore structures is important in order to address some environmental concerns; however, the reality is that it will have an impact on the existing enforcement resources and will undoubtedly increase the number enforcement files that staff will have to address. It will also likely impact planning staff for follow up where applications are made. It has to be understood that a shift in the allocation of the limited resources (i.e. staff,

time and money) would be required to be more proactive in enforcement thereby impacting what kind, how and when infractions are being dealt with.

A sample approach could be done with the \$2000 currently allocated for this project, but certainly not the most effective approach, which is to survey all the foreshore properties in order to be truly proactive as to what currently exists on the foreshore properties. The LPC in making its decision about how to proceed will have to consider:

- The amount of resources (staffing, time and money) they want the Islands Trust to spend on being proactive?
- Given the amount of resources required to do this proactive enforcement in an effective manner and the resultant impact it will have on current enforcement. Should this still be an LPC top priority for all the Islands?
- There is no additional staffing enforcement resources and that bylaw files will grow and that the initiation of taking proactive enforcement measures will take some time to fully implement?
- Would education and awareness through brochures, website, and/or mail outs be sufficient given the resource limitations?

Given the possible breadth of this project and its scope staff is providing information to inform the LPC discussion on the various options considering the allocated budget available. Given the budget allocated, the most cost effective approach would be to do a brochure that could be useable for all islands and put on the websites as information as to what can and cannot be done and who to contact for further information.

FOLLOW-UP:

That the Local Planning Committee discuss and decide upon an option regarding proactive bylaw enforcement for illegal foreshore structures based on the information provided in this report entitled, "*Proactive Bylaw Enforcement of Illegal Structures on the Foreshore*" dated April 30, 2013.

Date: April 30, 2013

Prepared By: Kris Nichols, Island Planner

Reviewed By: David Marlor, Director of Local Planning Services